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The amendment filed on May 11, 2009 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims scope has been broadened to include a fluid tight barrier of joined sheets of plastic materials. Both independent claims 1 and 19 were similarly modified with the “joined sheets of plastic materials” limitation.

Claim 1 had been presented with a narrowing limitation “the fluid tight barrier formed of thin joined metal plates” in the previous amendment submitted November 21, 2008. Applicant now broadens the language to include thin joined plates (no material specified) and/or joined sheets of metal or plastic materials. Note that applicant elected Group B: Fig. 5 in the election submitted July 23, 2008. Figure 5 represents a metal cross hatching for joined metal plates and doesn’t include plastic materials. The reference to “joined sheets of ...plastic materials” was not part of the elected specie. Claim 14 was provided in the November 21, 2008 amendment and was rejected because it contradicted the claim 1 structure of joined metal plates. Claim 14 was limited to “joined metal plates” as it included the claim 1 limitations.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Stephen J. Castellano/ whose telephone number is 571-272-4535. The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J. Castellano/
Primary Examiner
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sjc